

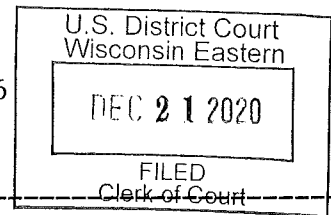
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

LAVALL T. LEE,
Plaintiff,

V.

WILLIAM JAMES, et al.,
Defendants.

Case No.: 20-cv-396



PLAINTIFF'S STATEMENT OF DISPUTED FACTUAL ISSUES

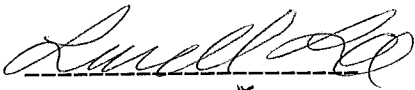
Defendant's have moved for summary judgment on the plaintiff's claim concerning the use of force pursuant to local Rules of this court, the plaintiff submits the following list of genuine issues of material fact that require the denial of defendant's motion.

- 1.) The plaintiff's verified complaint has Sgt. Gudal as a witness who is willing to testify that officer Jones was ordered not to OC spray, but Jones maliciously and sadistically did so anyways.
- 2.) On August 14, 2019 the records custodian D. Seitz stated that the record is incomplete.
- 3.) Under oath James stated he did not spray in the face only on the shoulder, but now his counsel admit it was the face, to mislead the court.
- 4.) When James claimed he did not spray in the face. It was officer's Scoullar and Robles who impeached James by revealing it was an affected spray to the face.
- 5.) James has changed his story multiple times.
- 6.) Jones under oath stated Lee was already reprimanded before he arrived, then he wasn't.
- 7.) James stated on the spot both supervisors did a wellness check on the unit contrary to defendant Jones statement and everyone else.
- 8.) Jones put Lee in a locked Hot shower and then went home, and doesn't know if Lee received medical attention.
- 9.) Jones had to remove officer palmer during the escort, where Lee was dragged off to R.U.
- 10.) Officer palmer who was injured does not have an incident report. Against DOC policy.
- 11.) Defendant James stated he witnessed Lee coming calmly down the back stairs, but then changed his story that when he arrived it was chaotic.
- 12.) ICE Bones said that James was wrong for using his OC spray.
- 13.) Supervisor Giernoth stated the OC spray was not needed.
- 14.) Defendant James when ordered not to spray stated, No I got this!
- 15.) Supervisor Giernoth has been impeached and the 1960 for cannot be relied upon.

16.) Decisions were made in James favor even though James did not provide an incident report until late September 2019. Acts of partiality.

Pursuant to 28 U. S. C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct and create a genuine issue of material fact and will, if proved at trial, support a judgment in my favor, as explained in my verified complaint and on the evidence and declarations submitted.

Executed at Sturtevant, Wisconsin 53177 on this December 16th, 2020.



Lavall T. Lee # 313650
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